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E.O. 12958: DECL: 12/18/2016

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SUBJECT: FIRST JUDICIAL PROCESS AGAINST EX-PARAMILITARY
BEGINS

Classified By: Ambassador William B. Wood.

Reasons: 1.4 (b) and (d)

SUMMARY

¶1. (C) GOC prosecutors started the "justice" phase of the peace process with the paramilitaries by taking the "version libre" (confession) of a mid-level commander on December 14. Prosecutors will take the confessions of an additional three ex-paramilitaries over the next few days, including Salvatore Mancuso, whose "version libre" is expected to start on December 19. JPL Unit Director Luis Gonzalez told us on December 14 that these four are the first tranche of planned version libres by the 18 ex-paras who "ratified" their intent to participate pursuant to GOC Decree 2898. He said prosecutors will next turn to the ex-paras held in Itagui maximum security prison. End summary.

Version Libre Process Begins

¶2. (C) The Fiscalia's Justice and Peace Law (JPL) Unit will take the voluntary confession, or "version libres," of four paramilitary leaders in the next few days. The first to confess is a 32-year-old mid-level paramilitary leader, Wilson Salazar (AKA "El Loro"), who was the second-in-command of the Julio Peinado Becerra Front that operated in southern Cesar and Bolivar Departments. Sanchez's version libre started on December 14 in Barranquilla. He was previously sentenced to 19 years in prison for a murder in southern Cesar.

¶3. (C) Salvatore Mancuso's version libre begins on December 19. The version libres of mid-level paramilitary leaders Jhon Mario Salazar (AKA "El Pecoso" or "El Gordo") from the Catatumbo Bloc and Carlos Mario Montoya (AKA "Arbolito" or "Arnold") from the Pacific Bloc will take place on December 15 and 19, respectively. JPL Unit Director Luis Gonzalez told us Mancuso had been calling to pressure him to begin his "version libre" as soon as possible.

¶4. (C) Gonzalez said the version libre process involved

significant legal challenges. In the case of Mancuso, it was not easy to trace the history of a criminal life that went back 18 years. Prosecutors had already talked to over 1,000 victims or witnesses. 'El País' newspaper reported on December 6 that victims have accused Mancuso of over 650 criminal actions: 150 relating to forcible expulsion from lands, and the rest relating to killings and other crimes. The process also involved serious administrative and security challenges; ensuring the safety of a criminal like Mancuso was a headache, he said.

The Judicial Process

15. (C) Gonzalez outlined the "version libre" process:

-- Confession by the demobilized paramilitary. Prosecutors and victims have the opportunity to ask about events attributed to the defendant but omitted from his statement.

-- Prosecutors formulate charges. There is no timeframe to indict.

-- A JPL magistrate hears the basis for the charges. Sixty days later, which can be extended to 120 days, prosecutors must file charges. The accused can accept or reject them. Any charge the accused rejects will be processed through the regular justice system; if proven, the accused loses JPL benefits.

-- If the accused accepts the charges, the magistrate has 20 days to hold a hearing, with an additional 10 days to pass sentence, including reparations.

-- The convicted defendant will then be taken to a detention center. His sentence will be between 5 to 8 years, discounted by time already served and time spent in Ralito or other concentration zones (a maximum of 18-months).

Dynamics Behind Decision to Begin Version Libres

16. (C) The Fiscalia's slow progress in hearing JPL confessions had generated concerns among GOC officials, who feared the government was incurring a high political cost, as well as tension with the paramilitaries. Peace Commissioner Luis Carlos Restrepo charged December 8 that the Fiscalia's delay "was one of the triggers of the most recent crisis." National Prosecutor (Fiscal) Mario Iguaran responded by blaming Restrepo for "blindly submitting a list to the Fiscalia without proper identification and verification of the individuals requesting Justice and Peace Law benefits," forcing the Fiscalia to spend additional time doing the verifications. On December 8, President Uribe accelerated the issuance of version libres when he repealed Decree 2898, which had forced paramilitaries to "ratify" their decision to participate in JPL. The requirement had been included in August at the request of the Fiscalia, which hoped to use the provision to gather evidence and statements from victims.

Lack of Clear Strategy and Resources

17. (C) Gonzalez told us the JPL Unit will begin taking the version libres of the 18 ex-paras who had "ratified" pursuant to Decree 2898, and would then turn to the ex-paras in Itagui. He said, "At the end of the day, if they do not confess to their crimes, it is their loss." Despite public criticism of the Fiscalia, Gonzalez said his unit had developed criminal cases against many former paramilitaries who had previously faced no charges, noting that arrest warrants were recently issued for 20 ex-paramilitaries in Itagui. (Note: Now all the ex-paramilitaries in Itagui faced criminal charges.) The Fiscalia had also obtained 400

additional arrest warrants for paras who appeared on the JPL lists. When the Unit had received the list of 2,695 ex-paras seeking JPL benefits from the Ministry of Interior and Justice, only 300 had faced criminal charges.

¶8. (C) Gonzalez said he was concerned about the lack of resources and support within and outside the Fiscalia. Gonzalez said his prosecutors were getting around in public buses because there was no money to pay for cars and security. He had begged Iguaran for additional prosecutors and resources for over a year, but he still had only 21 prosecutors. This was "simply not enough." He criticized the Inspector General's Office (Procuraduria) and the National Reconciliation and Reparations Commission (CNRR) for their failures to help victims participate in the process, noting that this task had also fallen to the Fiscalia. He said the CNRR does not have the capacity to meet its obligations under the JPL. In contrast, JPL Unit prosecutors had interviewed over 5,000 victims.

WOOD